

From: [Gary Moore](#)
To: [Alonzo Arredondo](#)
Subject: Fw: Falcon Refinery
Date: 11/03/2012 07:55 AM

Are there any Gainco Rolloff Boxes (ones they have rented and still paying for) still on-site?

Gary

Gary Moore
Federal On-Scene Coordinator
EPA Region 6
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From: "Darlene Gregory" [dgregory@eastmeetswestproductions.com]
Sent: 11/02/2012 07:05 PM EST
To: Gary Moore; "Theresa Nix" <tnix@gaincoinc.com>
Cc: Gloria-Small Moran
Subject: RE: Falcon Refinery

Gary:

We have long understood the EPA's position and inability to tap into its escrowed funds to pay Lazarus Energy's charges for Gainco's remediation services. As you are aware, Gainco does have leased roll-offs filled with waste at Falcon Refinery for which we are being charged monthly without any payment from Lazarus Energy. These charges have been ongoing since first quarter, 2012.

Since we cannot be the generator for this waste, what do you recommend we do? We don't want to dump the waste on the ground, and we understand EPA has no obligation to pay for these charges, but after months of inquiry to both you and Lazarus Energy, our patience with being ignored by all parties about this issue AND paying the cost for it is wearing thin.

As I stated months ago, we have filed a Mechanic's Lien against Lazarus Energy for the Falcon Refinery environmental waste cleanup in the San Patricio County Court. We have engaged an attorney to file suit against Lazarus Energy. Gainco will execute on the judgment AND the lien upon our success in the Court.

However, we must have some sort of direction from the EPA on the disposal of the waste that is in our leased roll-offs on the site. Would you kindly provide such direction? We are unwilling to continue to incur significant charges on behalf of Lazarus Energy or the Falcon Refinery Superfund project. Should we not receive a response from you, we will remove the waste from our containers and leave it on site at the Falcon Refinery. While we find this action to be the least desirable of all possible outcomes, we simply haven't any other choice.

TIME IS OF THE ESSENCE.

Sincerely yours,

Darlene K. Gregory, President
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From: Moore.Gary@epamail.epa.gov [mailto:Moore.Gary@epamail.epa.gov]
Sent: Friday, November 02, 2012 5:50 PM
To: Theresa Nix
Cc: Darlene Gregory; Gloria Moran-Small
Subject: Falcon Refinery

Theresa:

I heard from Alonzo today and he indicated that you were inquiring about the name of my supervisor. My supervisor is not going to be able to give you guys any money out of the letter of credit that EPA has received from NORCO. This money was associated with an earlier default on an order and is in place for EPA to spend should I take over the removal action. The way the agreement works is if NORCO/Lazarus complete the removal action to my satisfaction then all of the letter of credit money will be returned to them. This money is not to be used to pay their obligations, it is to be used by EPA to complete the removal action should we need to take it over.

I am sorry about your situation and I will continue to try to assist you guys in getting paid but there is nothing EPA can do to assist you monetarily because your private client failed to pay. Please continue to keep me up to date on your situation and I will continue to pester them about payment.

Thanks

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